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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALMCO ADMINISTRATION, LLC

Petitioner,

- against -

FLOWER PAYMENT, INC.,

Respondent.

23 Civ. 7409 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

Pending before the Court is Flower Payment, Inc.'s ("Flower Payment") motion to dismiss Palmco Administration, LLC's ("Palmco") petition to confirm a non-domestic arbitral award. (ECF No. 21.)

The parties' submissions regarding Flower Payment's motion to dismiss reveal a dispute of 1) whether the Court should decide whether a valid agreement to arbitrate was formed and 2) whether the Court should apply Japanese law or New York law if it should resolve whether a valid arbitration agreement was formed. (See ECF No. 24 at 16; ECF No. 22 at 10.) In addition, as the Court understands it, an action to enforce the arbitration award is pending in the Japanese courts.

The Court has not made a definitive ruling on any of the arguments the parties raise in their submissions or whether the question of agreement formation is properly before it.

However, If the Court were to conduct a conflicts of law analysis in resolving this motion, which it has not yet committed to doing, insight into the resolution of the litigation in Japan may assist the Court in interpreting foreign law and assessing whether there is even a conflict in the first place.

Therefore, the parties are hereby directed to submit a joint letter to the Court by January 15, 2025, indicating the parties' respective positions of 1) whether the Japan High Court has issued a decision in the appeal of the Tokyo District Court's enforcement of the award, and 2) how the outcome in the pending Japan High Court appeal would bear on the motion to dismiss.

SO ORDERED.

Dated: 7 January 2025
New York, New York

A handwritten signature in blue ink, appearing to read 'VM', is written over a faint rectangular stamp.

Victor Marrero
U.S.D.J.